IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.258 OF 2007

Popat Anandrao Landge ...Applicant.
V/s.
State of Maharashtra ...Respondent.

Mr.A.P.Mundargi with Mrs. Revati Mohite-Dere, advs. for the Applicant.
Mr.Y.S.Shinde, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 8th February, 2007.

P.C.:

1. Heard Mr.Mundargi, the learned counsel for the applicant and Mr.Shinde, the learned APP for the State.

2. The applicant seeks anticipatory bail in crime no.369 of 2006 registered by Bhosari Police Station, Pune for the offences punishable under sections 143, 147, 148, 302, 436, 437 read with section 149 of the I.P.C. and under the provisions of the Arms Act. According to the applicant, his elder brother, Ankush was the corporator of Pimpri-Chinchwad Municipal Corporation, for the last about 10 years and was president of B.J.P. for Pimpri-Chinchwad District Unit. He was assaulted by Sangram, Pundalik, Sachin and others and in that incident, Ankush was killed brutally. His son Rahul, who lodged the report was also seriously

injured. According to the applicant, because of that incident, mob caught hold of one of the assailants and assaulted him on the spot. Another assailant tried to escape by car but he was also caught and lynched. Thus, two persons were killed. On the basis of report lodged by Sangaram Dhawde, the offence of murder was registered against several persons including the present applicant. According to the applicant, he has been falsely implicated merely because of the political rivalry and particularly, because his own brother was killed by the opposite party. The applicant is suffering from heart trouble and he is presently admitted in the hospital, therefore, he seeks anticipatory bail.

3. As per the FIR lodged by Sangaram Dhawde, the present applicant, Popat Landge, Ravi, Balu, Deepak, Amol, Sachin, Nitin, Ganesh and some others attacked Sangaram and his brother Sagar with deadly weapons. They also assaulted and injured one Deepak Rai. They had broken 2 wheelers and thereafter, Sumo car of the party of the complainant was set on fire and 3 motor cycles were also set on fire. Sangram and his uncle Chandrakant were watching this incident hiding themselves due to fear. The said mob attacked the house of Chandrakant and broke open the door of his house with an axe and Chandrakant was dragged out on the road and

the present applicant, Popat Landge stabbed on the abdomen of Chandrakant with sword due to which he fell down. After that one, Pithya Landge pelted stone on the head of Chandrakant. These people then attacked injured Chandrakant to one side of the road and threw his motor-cycle on the person of Chandrakant and also poured petrol on him and set him on fire due to which he died. One Sagar, who was also in the party of Chandrakant, was killed. Thus, on the basis of that report, crime no.369 of 2006 came to be registered against the present applicant and his companions. Post-mortem report of Chandrakant reveals that he had suffered several injuries and fractures of both parietal bones and temporal bones. He had suffered 96% burns and there was a heat rupture of the size 13 X 8 cm. on the right linear region of the abdomen. This injury, particularly, provides corroboration to the prosecution case that Chandrakant was stabbed with sword.

4. Taking into consideration, the circumstances noted above, it appears that two rival parties attacked each other while brother of the present applicant was killed and his nephew was injured, two person from the opposite side were also killed. Murder of Chandrakant appears to be brutal and as per the F.I.R., the present applicant was leading the mob and he himself led the

attack by first assaulting and stabbing Chandrakant with sword. Taking into consideration, gravity of the matter, I find that it is not a fit case to grant anticipatory bail.

5. It may be noted that on 25th January, 2007, protection for limited period was given to the applicant against the arrest on the ground that he was admitted in the private hospital at Bhosari for treatment of heart disease. He was directed to be available for the investigation at the hospital itself. This protection was to be continued till 31-1-2007 and thereafter, it was continued upto this date. The learned counsel for the applicant informs that the applicant was required to undergo angiography. It is now well known that a patient who needs angiography only may be discharged either on the same day or on the next day from the hospital. Even if it is followed by angioplasty , he may not be required to remain in the hospital for more than 2 or 3 days. Thus, taking into consideration the nature of the treatment, I find that the applicant should be in a position to move from the hospital now and he needs no more protection.

6. For the aforesaid reasons, the application for anticipatory bail stands rejected.

(J.H.Bhatia,J.)